

Christopher Wheeler  
Reg. No. 56335-054  
P.O. Box 019001  
Atwater, CA 95301

7/19/20

To: U.S. District Court Clerk  
500 Pearl St. Rm. 120  
New York, NY 10007-1312

Re. 04-CR-01060(DC) FSA Motion For Immediate Relief<sup>M</sup>

Dear Clerk:

Please find enclosed the following:

(1) 2 originals to be filed, one for Clerk's file  
other one for Judge.

Thank you for placing me on notice at the  
above address of the filing of this Motion.

Thank you and have a nice day!

Very Truly Yours,

X Chris Wheeler  
Christopher Wheeler, P.O. 5

To U.S. District Court clerk, I could  
Not Get Copies made of exhibit C  
to Attach to the Court's Copy of this  
motion, However there is a copy of  
exhibit C in the Court clerk's copy

Christopher Wheeler  
Reg# 56335-054

United States District Court  
Southern District of New York

United States of America,  
Plaintiff,

v.  
Christopher M. Wheeler,  
Defendant.

No. 04-CR-01060(D.C.)

Motion For Immediate Release  
Under The First Step Act 18 U.S.C. 3582

Comes now, Movant, Christopher M. Wheeler, acting in pro-se, and respectfully moves this Honorable Court to grant immediate release Under the Extraordinary Relief section of the Compassionate Release part of the First Step Act. All pursuant to 18 U.S.C. 3582, et. seq.

I. Movant's Current Address

Christopher M. Wheeler  
Reg. No. **56335-054**  
U.S. Penitentiary Atwater  
P.O. Box 019001  
Atwater, CA 95301

Wheeler 3582 Motion Cont'd:

Page 2

## II Relevant History

On or About November of 2002 Wheeler was Indicted for Hobbs Act Robbery, pled guilty in 2006 to one count of a two count indictment. Wheeler was ultimately sentenced to the Statutory Maximum sentence, 20 years in prison. Mr. Wheeler has nearly completed his 20 year sentence and has 10 months left to serve. Contact M. Padgett, Case Mgr., I-A Unit at U.S. Pen. Atwater, CA.

## III. Ground I

Mr. Wheeler Should Be Granted Release Under The First Step Act Compassionate Release Section For Extraordinary Circumstances Under the "Other" Subsection, Et Seq.

## IV. Supporting Facts

1. Mr. Wheeler has served most of his entire sentence and now has 10 months left on the 20 year sentence.
2. Because of the National Emergency based on the Corona Virus (Covid-19) and nationwide riots and protests, Mr. Wheeler cannot transfer from Atwater, California, U.S. Penitentiary to his new designation of the Federal Correctional Institution in Otisville, New York. A Medium Security Facility. As of this date this has changed, 7/11/20.

Wheeler 3582 Motion Cont'd:

Page 3

3. As of this present date, Mr. Wheeler's 6 month half way house date is in December 2020,
4. Because Mr. Wheeler was designated to a medium security prison, originally, Lewisburg F.C.I. in April of 2020, then changed to Otisville F.C.I. in June of 2020, because of special circumstances where a tornado hit another F.C.I. in South Carolina those prisoners were moved to Lewisburg; Mr. Wheeler would be eligible for a year half way house.
5. Mr. Wheeler is held in the Penitentiary in Atwater, California, in the Special Housing Unit without access to newspapers, radio, magazines, books, etc. Completely ex-communicated from society. Only one phone call a month to his family.
6. The one year eligibility in the Medium prison is the norm, In the pen's 6 months is the norm, Mr. Wheeler was on the plane (Marshall's) leaving out in the first part of April but the lock down was imposed. Mr. Wheeler would, more likely than not, be on Home Confinement by now.
7. Mr. Wheeler submits that because of the unusual circumstances, this court has authority under the "other" clause of Compassionate Release to release Mr. Wheeler immediately to home confinement and/or 3 years federal supervision he was sentenced to originally. See J.C. on file.



Wheeler 3582 Motion Cont'd:

Page 4

## II. Argument

As this Court can see, Mr. Wheeler is stuck between a rock and a hard place. After doing such a lengthy sentence it is important that Mr. Wheeler be with a support group and supervised by the probation department.

Mr. Wheeler has an all star support system of family members that are more than prepared to provide housing, moral support, financial support, employment, transportation and any other support necessary to provide a smooth, law abiding transition into society.

This motion is filed in this Court as an only available avenue to relief for Mr. Wheeler.

It is of no fault to Mr. Wheeler that the prison transfers stopped and will continue to stop for quite some time to come. No transfers in interstate routes will start until the virus is down by extremes. As of this date, the virus has spiked tremendously. Therefore, there will be no transfers in the foreseeable future.

As of the time of this motion Mr. Wheeler has been in the S.H.U. for 7 months and cannot walk this prison yard.

See attached Exhibit A incorporated herein by reference of Wheeler's supporting family and employer;

Wheeler 3582 Motion Cont'd:

Page 5

VI. Exhaustion Of FSA Remedies

Mr. Wheeler sent Warden A. Ciolli an Inmate Request to Staff Member on May 18, 2020 requesting relief under the FSA guidelines and in regards to Compassionate Release. Over 30 days later Mr. Wheeler has not received a response of any kind.

Therefore, initiating the Federal Prison Systems Administrative Remedy system is not required. According to the First Step Act, if a prisoner makes a request to the Warden... and that Warden fails to respond within 30 days, then a Movant doesn't have to exhaust Administrative Remedies. If the request is answered within 30 days and denied then remedies must be exhausted.

See attached 5/18/20 copy of Inmate Request To the Warden, prepared by Wheeler and Mailed in-house mail by passing on to a SHU officer for mailing. Exhibit B incorporated herein by reference.

Wheeler 3582 Motion Cont'd:

Page 6

VII. Declaration

I, Christopher Wheeler, hereby declare under the penalty of perjury, that the foregoing is true and correct this 16<sup>th</sup> day of July, 2020.

VIII. Conclusion

Wherefore, Premises Considered, Mr. Wheeler prays this Honorable Court Will Expedite these proceedings, and grant the appropriate relief that will immediately release Mr. Wheeler to home confinement and/or supervised release for 3 years.

It Is So Prayed.

Respectfully Submitted,

X CL WL

Christopher M. Wheeler,

Reg. No. 56335-054

U.S. Penitentiary At Water

P.O. Box 019001

Atwater, CA 95301



Wheeler 3582 Motion Cont'd:

Page 1

Certificate Of Service

I, Christopher Wheeler, pro-se, hereby  
certify that the foregoing First Step / 3582  
Motion was mailed to the below address of  
the U.S. Attorney's Office in Manhattan offices  
this 16<sup>th</sup> day of July, 2020, via U.S. Mail,  
Postage Pre-paid.

Respectfully Submitted

X Ch Wheeler

Christopher Wheeler, Pro-Se

Served Party:

U.S. Attorney's Office

New York, New York

# Exhibit A

Wheeler 3582 Motion Cont'd:

Page 8

## Supporting Family

1. Ellen Wheeler "Mother" Phone 347-422-1527  
address 12 New place yonkers, Ny 10704,  
New York Bronx Supreme Court clerk Retired /  
Nurses Ass

2. Brittany Forbrick "Sister" Phone 347-376-5274  
1844 Paulding Ave Bronx Ny 10462 Home Care

3. Danielle Forbrick "Sister" Phone ~~800~~ 929-810-8262  
address 1844 Paulding Ave Bronx, Ny 10462  
X-Ray Technician Radiologist Jcu College

4. Stephen Tellone "Uncle" Phone 845-806-6255  
NYPD 20 yrs Ret  
Employer

1. Family Gaurantees employment upon release

Inmate Request to Sheriff Exhibit B  
3582 Page 9  
COP-out 5/18/19

To: Warden A. Ciolli

Request, Sir, I am requesting relief under the first step Act, Compassionate release, "Sub-section extraordinary relief, "other section"

I feel like I am entitled to relief/release to society based on the fact that I cannot transfer to the medium security facility, Federal Correctional Institution FCI in Otisville Ny.

Because of the national emergency dealing with Covid-19 and the recent ~~lock~~ lockdowns and all transfer being halted, Interferes with my ability to receive a years halfway house. If I was in FCI Otisville when I was supposed to leave I would have received 1 one year half way house and would have been home by now. Because I am still in the special Housing Unit and have been for 4 months now. This ~~is~~ <sup>is</sup> detrimental on my ability to properly reintegrate back into society without the possibility of recidivating.

NOTE you have 30 days to respond to this request under the first step act

Respectfully

christopher wheeler #56335-054  
unit 2-B special Housing unit

Exhibit A

Wheeler 3582 Motion Cont'd:

Page 8Supporting Family

1. Ellen Wheeler "Mother" Phone # 347-422-1527  
 address 12 New Place Yonkers, NY 20704  
 New York Bronx Supreme Court clerk "Retired" Nurses "Ass"

2. Brittany Forbrick "Sister" Phone # 347-376-5274  
 address " 2844 Paulding Ave Bronx, NY 20462 - Home Care

3. Danielle Forbrick "Sister" Phone 929-870-8262  
 address 2844 Paulding Ave Bronx, NY 20462  
 X-Ray Technician Radiologist Adv-College

4. Stephen Tellone "Uncle" Phone 845-806-6255  
 NYPD 20 yrs "Ret"  
Employer

1. Family Guarantees employment upon  
 release

Inmate Request to ~~Step 1~~ Exhibit B  
3582 Page 9  
COP-out 5/18/19

To: Warden A. Ciolli

Request, Sir, I am requesting relief under the First Step Act, Compassionate release, "Sub-section extraordinary relief, "other section"

I feel like I am entitled to relief/release to society based on the fact that I cannot transfer to the medium security facility, Federal Correctional Institution FCI in Otisville Ny.

Because of the national emergency dealing with Covid-19 and the recent ~~lock~~ lockdowns and all transfer being halted, Interferes with my ability to receive a years halfway house. If I was in FCI Otisville when I was supposed to leave I would have received 1 one year half way house and would have been home by now. Because I am still in the special Housing Unit and have been for 4 months now. This ~~has~~<sup>is</sup> detrimental on my ability to properly reintegrate back into society without the possibility of recidivating.

NOTE you have 30 days to respond to this request under the first step act

Respectfully  
Christopher Wheeler #56335-054  
Unit 1-B special Housing unit



Exhibit C

ATWEJ 540\*23 \*  
PAGE 002 OF 002 \*SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 07-10-2020\* 07-10-2020  
\* 15:07:45

REGNO.: 56335-054 NAME: WHEELER, CHRISTOPHER

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 04-01-2020 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 03-19-2008 BY DESIG/SENTENCE COMPUTATION CTRTHE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 010: 010 010DATE COMPUTATION BEGAN.....: 03-07-2006  
TOTAL TERM IN EFFECT.....: 240 MONTHS  
TOTAL TERM IN EFFECT CONVERTED...: 20 YEARS  
EARLIEST DATE OF OFFENSE.....: 11-16-2002JAIL CREDIT.....: FROM DATE THRU DATE  
11-18-2002 03-06-2006TOTAL PRIOR CREDIT TIME.....: 1205  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED...: 541  
TOTAL GCT EARNED.....: 406  
STATUTORY RELEASE DATE PROJECTED: 05-25-2021  
TWO THIRDS DATE.....: 03-19-2016  
EXPIRATION FULL TERM DATE.....: 11-17-2022  
TIME SERVED.....: 17 YEARS 7 MONTHS 22 DAYS  
PERCENTAGE OF FULL TERM SERVED...: 88.2  
PERCENT OF STATUTORY TERM SERVED: 95.2PROJECTED SATISFACTION DATE.....: 05-25-2021  
PROJECTED SATISFACTION METHOD....: GCT RELREMARKS.....: 5/14/07 JC UPDATED. WSZ 05-26-17:DIS GCT D/SIG. 4-19-19 UPDTD  
GCT, D/BMM. 01-02-2020 GCT UDPT PURSUANT TO FSA, D/BMM.  
4/1/20: DIS/GCT UPD D/JNW.

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

Exhibit C

ATWEJ 540\*23 \*  
PAGE 001 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 07-10-2020

\* 07-10-2020  
\* 15:07:45

REGNO...: 56335-054 NAME: WHEELER, CHRISTOPHER

FBI NO.....: 617396VA3  
ARS1.....: ATW/A-DES  
UNIT.....: 1A-RHU  
DETAINERS.....: NO

DATE OF BIRTH.....: 12-12-1951  
QUARTERS.....: Z08-223LAD  
NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 11-25-2020

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.  
THE INMATE IS PROJECTED FOR RELEASE: 05-25-2021 VIA GCT REL

RELEASE AUDIT COMPLETED ON 03-09-2020 BY DSCC

-----CURRENT JUDGMENT/WARRANT NO: 010-----

COURT OF JURISDICTION.....: NEW YORK, SOUTHERN DISTRICT  
DOCKET NUMBER.....: 1:04CR01060-001(DC)  
JUDGE.....: CHIN  
DATE SENTENCED/PROBATION IMPOSED: 03-07-2006  
DATE COMMITTED.....: 06-21-2006  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010-----

OFFENSE CODE.....: 540 18:1951 RACKETEER, VIOLENCE  
OFF/CHG: 18:1951 - CONSPIRACY TO COMMIT A HOBBS ACT ROBBERY.

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE..: 240 MONTHS  
TERM OF SUPERVISION.....: 3 YEARS  
DATE OF OFFENSE.....: 11-16-2002

G0002 MORE PAGES TO FOLLOW . . .

United States District Court  
Southern District of New York

United States of America,  
Plaintiff,

v.  
Christopher M. Wheeler,  
Defendant.

No. 04-CR-01060 (D.C.)

Motion For Immediate Release  
Under The First Step Act 18 U.S.C. 3582

Comes now, Movant, Christopher M. Wheeler, acting in pro-se, and respectfully moves this Honorable Court to grant immediate release Under the Extraordinary Relief section of the Compassionate Release part of the First Step Act. All pursuant to 18 U.S.C. 3582, et. seq.

I. Movant's Current Address

Christopher M. Wheeler  
Reg. No. 56335-054  
U.S. Penitentiary Atwater  
P.O. Box 019001  
Atwater, CA 95301

Wheeler 3582 Motion Cont'd:

Page 2

## II Relevant History

On or About November of 2002 Wheeler was Indicted for Hobbs Act Robbery, pled guilty in 2006 to one count of a two count indictment. Wheeler was ultimately sentenced to the Statutory Maximum sentence, 20 years in prison. Mr. Wheeler has nearly completed his 20 year sentence and has 10 months left to serve. Contact: M. Padgett, Case Mgr. at I-A Unit, U.S. Pen. Atwater, CA.

## III. Ground I

Mr. Wheeler Should Be Granted Release Under The First Step Act Compassionate Release Section For Extraordinary Circumstances Under the "Other" Subsection, Et Seq.

## IV. Supporting Facts

1. Mr. Wheeler has served most of his entire sentence and now has 10 months left on the 20 year sentence.
2. Because of the National Emergency based on the Corona Virus (Covid-19) and nationwide riots and protests, Mr. Wheeler cannot transfer from Atwater, California, U.S. Penitentiary to his new designation of the Federal Correctional Institution in Otisville, New York, A Medium Security facility. As of this date this has changed, 7/11/20

Wheeler 3582 Motion Cont'd:

Page 3

3. As of this present date, Mr. Wheeler's 6 Month halfway house date is in December 2020,

4. Because Mr. Wheeler was designated to a Medium security prison, originally, Lewisburg F.C.I. in April of 2020, then changed to Otisville F.C.I. in June of 2020, because of Special circumstances where a tornado hit another F.C.I. in South Carolina those prisoners were moved to Lewisburg, Mr. Wheeler would be eligible for a year halfway house.

5. Mr. Wheeler is held in the Penitentiary in Atwater, California, in the Special Housing Unit without access to newspapers, radio, magazines, books, etc. Completely ex-communicated from society. Only one phone call a month to his family.

6. The one year eligibility in the Medium prison is the norm, In the pen's 6 months is the norm, Mr. Wheeler was on the plane (Marshall's) leaving out in the first part of April but the lock down was imposed. Mr. Wheeler would, more likely than not, be on Home Confinement by now.

7. Mr. Wheeler submits that because of the unusual circumstances, this court has authority under the "other" clause of Compassionate Release to release Mr. Wheeler immediately to home confinement and/or 3 years federal supervision he was sentenced to originally. See J.C. on file.



Wheeler 3582 Motion Cont'd:

Page 4

## II Argument

As this Court can see, Mr. Wheeler is stuck between a rock and a hard place. After doing such a lengthy sentence it is important that Mr. Wheeler be with a support group and supervised by the probation department.

Mr. Wheeler has an all star support system of family members that are more than prepared to provide housing, moral support, financial support, employment, transportation and any other support necessary to provide a smooth, law abiding transition into society.

This motion is filed in this Court as an only available avenue to relief for Mr. Wheeler. It is of no fault to Mr. Wheeler that the prison transfers stopped and will continue to stop for quite some time to come. No transfers in interstate routes will start until the virus is down by extremes. As of this date, the virus has spiked tremendously. Therefore, there will be no transfers in the foreseeable future.

As of the time of this motion Mr. Wheeler has been in the S.H.U. for 7 months and cannot walk this prison yard.

See attached Exhibit A incorporated herein by reference of Wheeler's supporting family and employer;

Wheeler 3582 Motion Cont'd:

Page 5

## VI. Exhaustion of FSA Remedies

Mr. Wheeler sent Warden A. Ciolli an Inmate Request to Staff Member on May 18, 2020 requesting relief under the FSA guidelines and in regards to Compassionate Release. Over 30 days later Mr. Wheeler has not received a response of any kind.

Therefore, initiating the Federal Prison Systems Administrative Remedy system is not required. According to the First Step Act, if a prisoner makes a request to the Warden... and that Warden fails to respond within 30 days, then a Movant doesn't have to exhaust Administrative Remedies. If the request is answered within 30 days and denied then remedies must be exhausted.

See attached 5/18/20 copy of Inmate Request To the Warden, prepared by Wheeler and mailed in-house mail by passing on to a SHU officer for mailing. Exhibit B incorporated herein by reference.

Wheeler 3582 Motion Cont'd:

Page 6

VII. Declaration

I, Christopher Wheeler, hereby declare under the penalty of perjury, that the foregoing is true and correct this 16<sup>th</sup> day of July, 2020.

VIII. Conclusion

Wherefore, Premises Considered, Mr. Wheeler prays this Honorable Court Will Expedite these proceedings, and grant the appropriate relief that will immediately release Mr. Wheeler to home confinement and/or supervised release for 3 years.

It Is So Prayed.

Respectfully Submitted,

X CL

Christopher M. Wheeler,  
Reg. No. 56335-054  
U.S. Penitentiary Atwater  
P.O. Box 019001  
Atwater, CA 95301

Wheeler 3582 Motion Cont'd:

Page 7

Certificate Of Service

I, Christopher Wheeler, pro-se, hereby certify that the foregoing First Step / 3582 Motion was mailed to the below address of the U.S. Attorney's Office in Manhattan offices this 16<sup>th</sup> day of July, 2020, via U.S. Mail, postage pre-paid.

Respectfully Submitted

X Ch Wheeler

Christopher Wheeler, Pro-Se

Served Party:

U.S. Attorney's Office

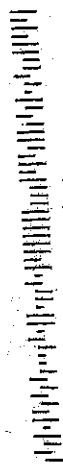
New York, New York



CLERK'S OFFICE  
S.D.N.Y.

Leah MA

Christopher Wheeler  
Reg # 51739-054  
U.S. Penitentiary / Atwater  
PO Box 019001  
Atwater, CA 95301



CRIMINAL

U.S. District Court + Clerk of Court  
500 Pearl St, Room 120  
New York, NY 10007-1312

7019 1640 0002 1549 9909



CERTIFIED MAIL®

Criminal